

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:11-00031

TIMOTHY T. GIBBS, II

SUPERVISED RELEASE REVOCATION AND JUDGMENT ORDER
MEMORANDUM OPINION AND ORDER

On April 4, 2013, the United States of America appeared by Meredith R. George, Assistant United States Attorney, and the defendant, Timothy T. Gibbs, II, appeared in person and by his counsel, David R. Bungard, Assistant Federal Public Defender, for a hearing on the petition on supervised release submitted by United States Probation Officer Joseph Black, the defendant having commenced a three-year term of supervised release in this action on February 28, 2012, as more fully set forth in the Judgment Including Sentence Under the Sentencing Reform Act entered by the court on September 20, 2011.

The court heard the admissions of the defendant and the representations and argument of counsel.

For reasons noted on the record of this proceeding, which are ORDERED incorporated herein by reference, the court found that the defendant has violated the conditions of supervised release in the following respects: (1) that the defendant failed to abide by the special condition that he spend a period of six months in a community confinement center inasmuch as he entered the program at Dismas Charities on November 14, 2012, and was discharged on December 4, 2012, for failing to abide by the rules and regulations of the facility as more fully set forth in Violation #4 of the petition; (2) that the defendant failed to notify the probation officer of his change in residence inasmuch as he was terminated from Dismas Charities on December 4, 2012, without notifying the probation officer of his termination and his whereabouts were unknown from December 4, 2012, until the filing of the petition dated January 2, 2013; (3) that the defendant used and possessed marijuana as evidenced by positive urine specimens submitted by him on November 14 and 24, 2012; (4) that the defendant failed to appear for urine screens as directed on September 18, October 12 and 25, and November 12, 2012; and (5) that the defendant committed the state offense of transferring and/or receiving a

stolen automobile for which he was arrested on December 21, 2012, as evidenced by his stipulation that the government possesses sufficient evidence to prove the offense by a preponderance of the evidence; all as set forth in the petition on supervised release.

And the court finding, as more fully set forth on the record of the hearing, that the violations warrant revocation of supervised release and, further, that it would unduly depreciate the seriousness of the violations if supervised release were not revoked, it is ORDERED that the supervised release previously imposed upon the defendant in this action be, and it hereby is, revoked.

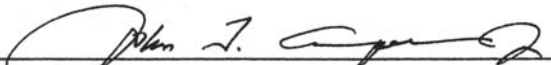
And the court having complied with the requirements of Rule 32(a)(1)(B) and (C) of the Federal Rules of Criminal Procedure, and finding, on the basis of the original offense, the intervening conduct of the defendant and after considering the factors set forth in 18 U.S.C. § 3583(e), that the defendant is in need of correctional treatment which can most effectively be provided if he is confined, it is accordingly ORDERED that the defendant be, and he hereby is, committed to the custody of the United States Bureau of Prisons for imprisonment for a

period of SIX (6) MONTHS, to be followed by a term of thirty (30) months of supervised release upon the standard conditions of supervised release now in effect in this district by order entered June 22, 2007, and the further condition that the defendant not commit another federal, state or local crime and the special condition that he spend a period of at least six months at the Appalachian Teen Challenge program as more fully described on the record of the hearing.

The defendant was remanded to the custody of the United States Marshal.

The Clerk is directed to forward copies of this written opinion and order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: April 8, 2013


John T. Copenhaver, Jr.
United States District Judge